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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-30* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-30* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in
> public use or on sale in this country, more than one year prior to the date of application for patent in
> the United States.

2.   Claims 1, 2, 4-12, 14-16, 18-26, 28, and 30 are rejected under 35

U.S.C. 102(b) as being anticipated by Schneier.

1.   In re claims 1 and 15, Schneier discloses

- The server via the random seed generator, creating a plurality of random

  seeds (column 24 lines 29-31)

- And communicating the seeds for storage in the secure storage and

  processing device via the secure storage and processing device read/write

  interface. (column 6 lines 42-47)

- the seeds providing a plurality of predetermined outcomes for future games to

  be played on the gaming console (column 24 lines 29-31)

- communicating between the gaming console and the secure storage and

  processing device via the secure storage and processing device read/write

  interface, and upon receipt of an input initiating a game on the console,

  producing in the secure storage and processing device a set of random

  numbers required to play the game from one of the seeds (column 15 lines

  20-28)

- producing a game play sequence including a game and/or gamble outcome indication at least in part from the produced random numbers (column 15 lines 40-55)

- said gaming console irremovably receiving said secure storage and processing device, requesting and buffering said plurality of game outcomes from said server appropriate to one or more games to be played at said gaming console (column 15 lines 40-55)

- Before all outcomes have been used said gaming console requesting replacement outcomes from said server (column 19 lines 52-60, the rest of the purchased outcomes are voided, thus the player is required to go back to the server and request more outcomes in order to continue playing.)

- not waiting for a response from said server before providing on the gaming console feedback regarding a game, said gaming console taking actions without waiting for commands from said server (inherent)

- said received secure storage and processing device storing said plurality of random seeds, and generating another plurality of game outcomes based on said stored random seeds to one or more games to be played on said gaming console. (column 24 lines 29-31)

2.   In re claims 2 and 16, Schneier discloses the secure storage and processing device using an algorithm known to the server whereby the server can predict the outcome derived (column 15 lines 20-28)

3.   In re claims 4 and 18, Schneier discloses the set of random numbers to be used to determine a gamble outcome are produced by the secure storage and

processing device, the console then choosing a game outcome which will

achieve that gamble outcome (column 15 lines 45-50)

4.   Regarding claim 5,19 Schneier discloses after the set of random numbers

to be used to determine a gamble outcome are produced by the secure storage

and processing device, the secure storage and processing device then chooses

a game outcome which will achieve that gamble outcome and communicates the

chosen game outcome to the console, as col. 15, lines 45-50 disclose the game

program unit 152 is utilized to determine the game outcome that meets the

gamble outcome generated by the secure storage and processing device is

contained within the secure storage and processing device HTV Memory 100.

5.   Regarding claims 6,7,20 and 21, Schneier discloses the secure storage

and processing device generates game verification data which is stored until the

secure storage and processing device is in communication with the gaming

server at which time the secure storage and processing device communications

the game verification data to the gaming server (col. 18, lines 34-67). The secure

storage and processing device communicates the game verification data to the

gaming server via the console, as the HTV memory 100 is located within the

console.

6.   Regarding claim 8,22 Schneier discloses when one of the secure storage

and processing devices is connected to a console the gaming server

communicates new random seeds to the secure storage and processing device

via the console thereby allowing the player to recharge the games stored on the

secure storage and processing device (col. 17, lines 10-20).

7.   Regarding claim 9, 23 Schneier discloses the secure storage and

processing device, i.e. game console, need not be in communication with the

gaming server when the game is played (abstract), and each time the secure

storage and processing device is connected to the gaming server, it will generate

and send a signal to the server indicated the stored game verification data

corresponding to the random seed that has been used (col. 28, line 58-col. 29,

line 25).

8.   Regarding claim 10, 24 Schneier discloses game play may include a set in

which the player makes a bet on the outcome of each game, as this is a known

method of playing lottery games (abstract).

9.   Regarding claims 11, 12, 25 and 26, Schneier discloses the secure

storage and processing device disclosed by Schneier is programmed to maintain

accounting records of the player's account balance as a result of wins and losses

incurred during gaming (Fig. 6, Accounting unit 154 located in secure storage

and processing device HTV memory 100). All wagering-type gaming devices

have an inherent maximum loss value, wherein the player's account balance is

said maximum loss value such that if the sum of the player bets exceeds the

wins by the maximum loss value or greater, i.e. the player places a wager larger

than their current account balance, the device will prohibit this gaming

transaction as the player does not have enough credits to enable said

transaction. Thus, the secure storage and processing device would prevent the

player from placing a bet that will cause the maximum loss value, i.e. the player

account balance, to be exceeded.

10.   Regarding claim 14, 30 Schneier discloses the console sends a signal to

the secure storage and processing device describing a state of a game being

played for communication to the gaming server in col. 18, lines 34-67), wherein a

state of a game is interpreted as comprising the player's account status (e.g.

winning state if account balance is greater than beginning balance, etc.).

11.   Regarding claim 28, Schneider discloses the server includes an auditing

device for checking game verification data returns from the secure device in the

console (Fig. 3, CMC Memory 32, Audit unit 78).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

13.   Claims 3, 13, 17, 27, 29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Schneider et al. (US 5,871,398) in view of McCarthy (US

5,276,312).

14.   Schneier discloses a gaming system comprising one or more secure

storage and processing devices, a gaming server and one or more gaming

consoles, wherein a central server generates a random seed to be utilized by

said secure storage and processing device to generate game outcomes, as

described above.

15.   *Schneier does not specifically disclose the secure storage and processing*

device is a smartcard or smartcard chip. Instead, Schneier discloses the secure

storage and processing device is contained in the gaming console in the form of
the memory 100, which in turn contains one-way function 144 (Fig. 6). Schneier
discloses the use of a smart card, wherein an authenticable game authorization
message AGAM may be written to a memory in the smart card 28, the smart card
may be inserted into the gaming console to be read by said console (col. 14,
lines 12-17). Schneier further discloses the AGAM may comprise a random
number seed for communication from the central server to the gaming console
via the smart card (col. 15, lines 20-22). However, in this embodiment, the smart
card disclosed by Schneier does not process the random number seed in order
to generate game outcomes to be displayed by the game console.

16.   In an analogous gaming device, McCarthy discloses the use of smart
cards in conjunction with a central server and gaming terminals in order to
facilitate the transfer and processing of gaming data. McCarthy specifically
discloses the smart card contains information obtained from the central server,
including gaming outcome data for use at a gaming terminal, and a processor
(col. 8, lines 10-35; Fig. 3). Thus, the combinations of the teachings of Schneier
and McCarthy would have been capable of producing a set of random numbers
required to play the game in a smart card that is external to the gaming console.
It would have been obvious to one of ordinary skill in the art at the time of the
invention to combine the teachings of Schneier and McCarthy as all the claimed
elements were known in the prior art and one skilled in the art could have
combined the elements as claimed by known methods with no change in their

respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art.

17.   Regarding claims 13, 27 Schneier discloses the secure storage and processing device read/write interface of each gaming console communicates with secure storage on the smartcard via a secure communications system provided by a further smartcard device (col. 13, lines 5-34).

Response to Arguments

18.   Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS H. HENRY whose telephone number is (571)270-3905. The examiner can normally be reached on M-F 9 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/   Thomas H Henry
Supervisory Patent Examiner, Art Unit 3714   Examiner
                                                               Art Unit 3714